

01- K -0697

Entered - 9-6-00 - sb
00L0542 - ALEXIS HOLMES

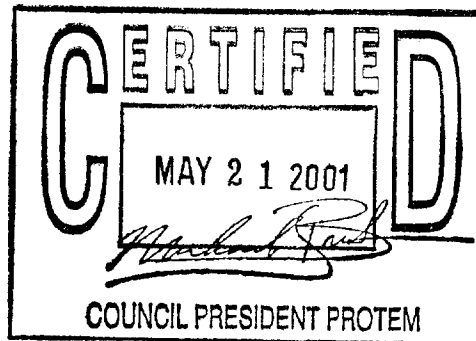
CONSENT AGENDA

CLAIM OF: ANGELA K. BORCHETTA
3167 W. Roxboro Road, NE
Atlanta, Georgia 30324

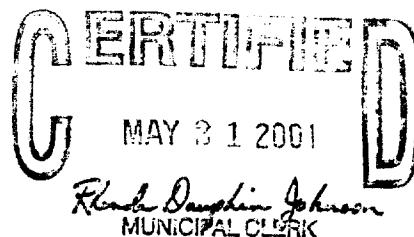
For damages alleged to have been sustained as a result sewage
backing up into claimant's home on August 5, 2000 at 3167 West
Roxboro Road, NE.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Rosenberg DCA*



ADVERSE BY CITY COUNCIL MAY 21 2001





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

May 24, 2001

Angela K. Borchetta
3176 W. Roxboro Rd., NE
Atlanta, GA 30324

01-R-0697

Dear Ms. Borchetta:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 21, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0542

Date: 5/03/01

Claimant /Victim ANGELA BORCHETTA

BY: (Atty) _____

Address: 3167 West Roxboro Road NE Atlanta, Georgia 30324

Subrogation: _____ Claim for Property damage \$ 2,700.00 Bodily Injury \$ _____

Date of Notice: 8/18/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 8/5/00 Place: 3167 West Roxboro Road, NE

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action _____

NATURE OF CLAIM: The claimant alleges that she sustained property damages to the basement of her home from a sewer back up. An investigation determined that the house connection was blocked and not the mainline. Furthermore, the City did not have notice of any mainline problems at this location prior to the August 5, 2000 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant _____ Other X Written X Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

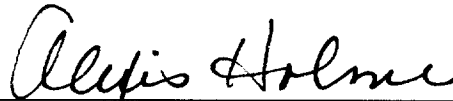
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: _____ Concur/date _____

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: AUG 15, 2000

Dear Municipal Clerk:

ENTERED - 9-6-00 - SB

00LO542 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,700⁰⁰ property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: AUG 5, 2000 2. Time of Incident: DAYTIME 3. Police called: Yes ☒ No ☐
(month/day/year).
4. Location of incident (including street address): BASEMENT @ 3167 W. ROXBORO RD NE ATL 30324
5. Name of your insurance company: CURRENTLY SWITCHING Policy No. 7/2
6. State what and how incident occurred: SEWER SPIT UP THROUGH THE COMMUNE (TOILET) IN MY BASEMENT. AND TOTALLY FLOODED MY BASEMENT. RUINED CARPET, PANELING, FLOOR IN BATHROOM, SPACE HEATER, DEHUMIDIFIER.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: _____
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

ANGELIA K. BORCHETTA
(Print Claimant's Name)

3167 W. ROXBORO RD. NE
(Address)

ATLANTA GA 30324
(City, State and Zip Code)

7/2 (404) 814-9752
(Work Number) (Home Number)

01-R -0697

President Pro Tem Bond Presided

RCS# 2865
5/21/01
1:48 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 16

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

| | | | |
|------------|-----------|-----------|-------------|
| NV McCarty | Y Dorsey | Y Moore | Y Thomas |
| B Starnes | Y Woolard | Y Martin | Y Emmons |
| Y Bond | Y Morris | Y Maddox | B Alexander |
| Y Winslow | Y Muller | Y Boazman | NV Pitts |

ITEM (S) REMOVED FROM CONSENT AGENDA

01-O-0721
01-O-0752
01-O-0753
01-O-0494
01-O-0712
01-R-0763
01-R-0765

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-0582
2. 01-O-0583
3. 01-O-0584
4. 01-O-0585
5. 01-O-0586
6. 01-O-0587
7. 01-O-0742
8. 01-O-0748
9. 01-O-0715
10. 01-O-0723
11. 01-O-0751
12. 01-O-0754
13. 01-O-0755
14. 01-O-0756
15. 01-O-0106
16. 01-O-0495
17. 01-O-0496
18. 01-O-0497
19. 01-O-0498
20. 01-O-0567
21. 01-O-0568
22. 01-O-0569
23. 01-O-0616
24. 01-O-0638
25. 01-O-0643
26. 01-O-0665
27. 01-O-0716
28. 01-O-0759
29. 01-R-0667
30. 01-R-0669
31. 01-R-0670
32. 01-R-0656
33. 01-R-0675
34. 01-R-0676
35. 01-R-0725
36. 01-R-0744
37. 01-R-0750
38. 01-R-0758
39. 01-R-0456
40. 01-R-0654

**ITEMS ADOPTED
ON CONSENT
AGENDA**

41. 01-R-0757
42. 01-R-0698
43. 01-R-0699
44. 01-R-0700
45. 01-R-0764
46. 01-R-0649
47. 01-R-0658
48. 01-R-0659
49. 01-R-0661
50. 01-R-0662
51. 01-R-0673
52. 01-R-0677
53. 01-R-0678
54. 01-R-0679
55. 01-R-0680
56. 01-R-0681
57. 01-R-0682
58. 01-R-0683
59. 01-R-0760
60. 01-R-0684

**ITEMS ADVERSE
ON CONSENT
AGENDA**

61. 01-R-0685
 62. 01-R-0686
 63. 01-R-0687
 64. 01-R-0688
 65. 01-R-0689
 66. 01-R-0690
 67. 01-R-0691
 68. 01-R-0692
 69. 01-R-0693
 70. 01-R-0694
 71. 01-R-0695
 72. 01-R-0697
 73. 01-R-0761
 74. 01-R-0762
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